

CIVIL SERVICE COMMISSION REGULAR MEETING

MINUTES - Tuesday, October 11, 2011, 2:00 p.m.

City Hall, 45 Lyon Terrace, Wheeler A and B, Bridgeport, CT 06604

Commissioner Guedes called the October 11, 2011 meeting of the Civil Service Commission to order at 2:10 p.m. Present were Commissioners Rodgers, McBride, and Plummer. Also attending were Personnel Director David Dunn and Clerk to the Commission, Deborah Brelsford, City Attorney John Mitola, Sandra Ferreira and Eric Amado from the Civil Service office. Commissioner Correa joined the meeting at 2:18 p.m.

1. Meeting Minutes - APPROVED

Mr. Dunn told the Commissioners that he reviewed the minutes from the regular meeting held on September 13, 2011 and that they were in order. On a motion made by Commissioner Rodgers and seconded by Commissioner Plummer, the minutes were unanimously approved.

2. Vacancies – APPROVED WITH LIBRARIAN II AND IV CONTINGENTLY APPROVED

Mr. Dunn explained that there were vacancies in the Library, Town Clerk office, and Public Safety Communications as follows:

Library	(14)	Library Page Part-time
	(4)	Library Assistant I Part-time
	(4)	Library Assistant I
	(1)	Library Assistant II
	(2)	Library Assistant III
	(2)	Librarian II
	(2)	Librarian IV

Town Clerk	Typist 1	replace Faye Singleton	Irene Visnick
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Public Safety Communications	Telecommunicator	replace John Alves (resigned) replace Rachel Perzanowski (terminated) replace Sean Liggins (resigned) replace Veronica Green (terminated) replace Margo Williams (terminated) replace Mark Schmidt (retired) replace Roseanne Hansen (terminated) replace Renee Johnson (terminated) replace Tanesha Bonner (terminated)
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Mr. Eric Amado, Personnel Trainee in Civil Service, read the explanation regarding the Library Fund to explain to the Commissioners why there were numerous vacancies in the Library. Mr. Dunn further explained that more approved Position Request forms were expected for additional future hiring. He noted that there were some pending job description content issues between Labor Relations and the Bridgeport City Supervisors Association and asked that the Commission approve the 2 vacancies for Librarian II and the 2 vacancies for Librarian IV contingent upon a resolution between Labor Relations and BCSA. Mr. Dunn explained that most of the advertising for the library vacancies was done by Mr. Scott Hughes, Director, in a state-wide library network.

Ms. Doree Price, Director of Public Safety, was asked by Commissioner Guedes if any of the Public Safety Telecommunicator terminations were in the appeal process. Ms. Price indicated that both Veronica Green and Margo Williams filed grievances. Mr. Phil White, Labor Relations Officer, added that they were being heard in Wethersfield.

Mr. Dunn explained that the position in the Town Clerk's office was a lateral transfer.

On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers, the Commission unanimously approved the vacancies and for the 2 vacancies of Librarian II and the 2 vacancies of Librarian IV the Commission approved them contingent upon a resolution between Labor Relations and BCSA.

3. Merit Increases and Permanent Appointments – APPROVED

On a motion made by Commissioner McBride and seconded by Commissioner Correa, the Commission unanimously approved the following:

Merit Raises due December 1, 2011

Board of Education

Aida Rosario Janitress \$26,218 (1) to \$27,599 (2)

Permanent Appointments

Fire Department

	Job Title	Effective Date
Cosgrove, William D.	Fire Marshal	8/16/2011

Police Department

Piazza III, Robert S.	Parking Enforce. Officer	7/10/2011
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Airport

Norko, Thomas	Airport Certification	7/18/2010
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Requests/Requests for Hearing

4. Charles Paris Hearing - WITHDRAWN

The Commission received a request from Sergeant Paris, President Local 1159 Bridgeport Police Union regarding Sergeant and Detective openings. Mr. Dunn asked that Sergeant Paris' request be removed from the Agenda because he received notification from Sgt. Paris about an hour from the meeting that the situation was resolved.

5. Dionne Taylor Appeal - TABLED

The Commission received a request from Mr. Taylor regarding his disqualification of employment due to habits and conduct from the Maintainer I, Grade II position at the Bridgeport Public Library. Mr. Taylor requested an Executive Session and on a motion made by Commissioner Plummer and seconded by Commissioner McBride the Commission entered Executive Session at 2:28 p.m. The Commission returned to Public Session at 3:07 p.m. On a motion made by Commissioner Plummer and seconded by Commissioner Rodgers, the Commission unanimously tabled the matter to the November meeting. Mr. Dunn would contact Mr. Scott Hughes to be present at the November meeting or minimally to provide a written opinion as Department Head.

6. James A. Patrick, Jr. Appeal - TABLED

The Commission received a request from Mr. Patrick regarding his candidacy for employment with the Board of Education as a Custodian 1 being disapproved due to habits and conduct. Mr.

Patrick requested an Executive Session. On a motion made by Commissioner McBride and seconded by Commissioner Plummer, the Commission entered Executive Session at 3:09 p.m. and returned to Public Session at 3:29 p.m. On a motion made by Commissioner Correa and seconded by Commissioner McBride, the Commission unanimously tabled the matter to the November meeting. City Attorney John Mitola will have a legal opinion regarding the Statutory Authority. Commissioner Correa would like this topic brought before the new Board of Education.

7. John Rodrigues, Jr. Appeal - DENIED

The Commission received a request from Mr. Rodrigues regarding his employment offer as a Public Safety Telecommunicator being rescinded due to habits and conduct as a result of the background investigation conducted. Mr. Rodrigues requested an Executive Session. He was accompanied by his wife. On a motion made by Commissioner McBride and seconded by Commissioner Plummer the Commission entered Executive Session at 3:27 p.m. and returned to Public Session at 4:00 p.m. Commissioners Rodgers, Plummer, McBride and Correa respectively voted to unanimously deny Mr. Rodrigues' appeal.

8. Michele Centeno Appeal - DENIED

The Commission received a request from Ms. Centeno regarding her employment offer as a Public Safety Telecommunicator being rescinded due to habits and conduct as a result of the background investigation conducted. Ms. Centeno requested an Executive Session. On a motion made by Commissioner Plummer and seconded by Commissioner McBride the Commission entered Executive Session at 4:02 p.m. and returned to Public Session at 4:18 p.m. Commissioners Correa, McBride, Plummer, and Rodgers respectively voted to unanimously deny Ms. Centeno's appeal.

9. Robin Mazerolle Appeal – TABLED TO DECEMBER 13, 2011

The Commission received a request from Attorney Thomas Bucci, on behalf of his client, Ms. Mazerolle. Ms. Mazerolle scored the highest on the exam for Assistant to the Tax Collector. Ms. Anne Kelly Lenz reported that the position was never funded for the past 4 budget years of 2008, 2009, 2010, and 2011. In the meantime her office has gone through a re-organization and the job is no longer part of the Tax Collector's office.

Attorney Bucci countered that somebody else took the duties of Assistant Tax Collector and has been paid at that level. He added that this was done to circumvent the Civil Service test, in an attempt to appoint from within.

Mr. Dunn stated that the list does not expire until 2 years after the date of the 1st hire. Ms. Kelly Lenz explained that she was Treasurer at the time and was Acting Tax Collector. She needed somebody to oversee the office while she tended to duties in the Treasurer's office, such as opening the safe, covering during vacation and sick time, locking up the money, etc. She wanted to reorganize the office, however, explained that Mr. Ralph Jacobs would not let her, despite it being 20+ years since the prior office reorganization and that the office was not functioning efficiently. Instead, he gave a test and a list was certified.

To pay employees who were acting out of classification and acting up, Ms. Kelly Lenz used the funding from retired personnel. Mr. Dunn added that the City is not required to fill a vacant position if it is not funded, even though a list exists. Ms. Kelly Lenz added that Mr. Sherwood and Mr. Feeney told her that the job was not going to be filled. Ms. Kelly Lenz had the responsibility of any discipline and personnel write-ups but that other duties were spread out amongst the staff. The accountant was responsible for the accounting staff. Attorney Mitola added that based on his

legal position the Commissioners had no authority to remove the Acting Assistant to the Tax Collector. Commissioner Correa asked Mr. Dunn to research who was paid Acting salary and what duties the person was responsible for. Mr. Dunn agreed to have this information in a report form for the December Civil Service Commission meeting. Mr. Dunn added that he would have given very different advice to Ms. Kelly Lenz than what she was given by Mr. Jacobs. Commissioner Plummer added that the Commission wanted to be transparent. Commissioner Guedes asked Ms. Mazerolle if she was okay with the matter being tabled to December, and she replied that she was. On a motion made by Commissioner Plummer and seconded by Commissioner Correa, the matter was tabled to December's meeting.

10. Fire Grievance – Tabled from September 13, 2011

The Commission received requests from Mr. Robert Whitbread, President, IAFF, Local 834, regarding:

- Grievance 2011-11, FF Reed - Sick Leave
- Grievance 2011-14, FF Barnes, Art - 5 Discipline
- Grievance 2011-25, AC Morton, Art-5 Discipline (*request received 9/26/11*)

The Commission received the following request from Attorney Thomas Bucci:

- Grievance 2011-16 FF Joe Pellaggi, failure to promote to the position of Lieutenant.

FF Joe Pellaggi

Mr. Robert Whitbread explained that there was an opening for Lieutenant and it should have been filled by FF Joe Pellaggi. Chief Rooney explained that there were 2 extra Lieutenants. City Attorney John Mitola stated that the Charter makes it very clear that the decision is at the Chief's discretion. Attorney Thomas Bucci added that the grievance is part of a settlement in a Federal Court lawsuit.

Mr. Whitbread stated that the position was funded and Attorney Mitola said that he did not agree with Attorney Bucci. There was a motion filed in Court to have the Settlement Agreement forced. Mr. Dunn added that on April 1st there was a vacancy in Engine Company #4 and 3 weeks later it was filled by bids and transfers. Lt. Coco was made a Captain and Captain Rivera retired as of April 1.

Mr. Whitbread stated that there is a need for Civil Service to give a Captain's test and that this has not been done in a timely fashion. This has jeopardized FF Pellaggi. Mr. Dunn explained that the test consultant is now doing the Deputy Police Chief test and prior to that he did a test for Assistant Fire Chief. Next up will be Fire Captain. Mr. Whitbread stated that this does not help FF Pellaggi as the list expires on December 30. There are 3 vacancies now with 3 Lieutenants moving up. There is also language in the agreement that no one in Lieutenant positions will lose jobs per MPP and Arbitration Award. This also jeopardizes Pellaggi's career.

FF Pellaggi referred to Charter 2:10.

Chief Rooney explained that 5 Supervisors were Lieutenants in the Communications Division and when consolidated these positions were eliminated. To reassign Lieutenants the Chief created positions. There were no openings and there were extra Lieutenants without any reason to create another position. Chief Rooney added that he does not have funding in his budget for extra Lieutenants. Chief Rooney requested that City Attorney John Mitola give a written opinion, including what transpired and why; transfers, biddings, and retirements.

Commissioner Guedes added that this was complicated because it involved a Court Order, table of organization, management issues, and a test not going forward.

Chief Rooney explained that 4 passed the Inspector exam and are in school now for 3 months and when they get out of their classes they will get promoted. They are being paid as acting.

Mr. Whitbread said that this is different than how it would have been handled in the past. He stated that when they passed the test they were promoted to the rank and title and getting all the benefits. It was a smooth transition and nobody was made probationary. The notice said pass at State and there is a disconnect between Bridgeport rules and State rules. The Union was following Bridgeport rules and the Chief was following State rules. Attorney Thomas Bucci said FF Pellaggi passed the certification test and Mr. Dunn said he was provisional and certified by the State and Mr. Whitbread said that policies and procedures had been changed. Firefighter Pellaggi stated that 2 others were on re-employment lists.

Commissioner Guedes asked Attorney John Mitola to provide a legal stance by the November Commission meeting.

On a motion made by Commissioner Correa and seconded by Commissioner McBride the Commission unanimously voted to table the matter to November.

It is noted for the record that Commissioner Guedes left the Civil Service Commission meeting at 5:17 p.m. and Commissioner Plummer took over.

FF Reed

Mr. Whitbread explained that Firefighter Reed had a medical issue in 2010. This matter came before the Board of Fire Commissioners.

Firefighter Reed presented a note from the doctor that he was able to work and was fit for duty. The Chief did not accept the doctor's letter. Dr. Kwok wrote a letter with a return to work date of July 5. Chief Rooney requested a Functional Capacity Test to be given by Ms. Estes, a Physical Therapist from Stratford. Firefighter Reed failed the Functional Capacity Test. The 2 tests were different, like night and day. The Board of Fire Commissioners requested an independent medical exam.

From July 2010 to January 2011 Firefighter Reed was out of work and was kept on sick leave. At the June 2010 meeting Firefighter Reed was denied contractual rights for holiday and compensation and overtime. Mr. Whitbread stated that Firefighter Reed should have been placed on administrative leave instead of sick leave. He added that the action taken was a punishment because Firefighter Reed lost.

Chief Rooney requested entering executive session. Mr. Whitbread did not want to violate HIPPA regulations. Attorney Mitola said there were no medical documents and there would not be a HIPPA violation.

Firefighter Reed said he was given eight (8) functional capacity exams. The one (1) he failed was not done by a medical person, but was the person Chief Rooney sent him to see.

Chief Rooney cited Firefighter Reed's past history of attendance as always off and on sick. The doctor sent him for functional capacity analysis. This was sick leave injury as it did not happen on

the job. The Physical Therapist is an expert and came to the Board of Fire Commissioners meeting. As the head of the Division the Fire Chief has an opinion regarding the safety of Firefighter Reed and the safety of the Fire Department.

Attorney Mitola stated that Dr. Kwok did a functional capacity exam a few days later.

Commissioner Plummer asked if there is documentation for all of this. Mr. Whitbread answered that they have been through this argument already before.

Firefighter Reed stated that he had four (4) functional capacity examinations with Dr. Kwok and he passed the first three (3).

Mr. Whitbread stated that Firefighter Reed lost opportunity to work credits and per the contract he is allowed to make it up. On sick leave he can make up five (5).

Attorney Mitola stated that Attorney John Bohannon and Attorney Thomas Bucci had to mutually show up.

Commissioner Correa questioned Mr. Whitbread if it should not have been sick leave anymore and Mr. Whitbread said that as of July 5 Mr. Reed was able to start work. Mr. Whitbread said he would make copies of Ms. Estes discrepancies with regard to amount of weight lifted. Mr. Reed was not asked to lift over thirty (30) pounds by Ms. Estes and in the functional capacity exam given by Dr. Kwok Firefighter Reed lifted one hundred (100) pounds.

Commissioner Correa stated that she would like to see chronological reports.

Firefighter Reed's uncle was in attendance (October 11, 2011 Civil Service Meeting) as a character witness and he said Firefighter Reed saw two (2) doctors and one (1) physical therapist. Attorney John Mitola added that Ms. Kim Estes title is Occupational Therapist. Firefighter Reed's uncle said he did not think Ms. Estes had any qualifications to make the decision she made.

On a motion made by Commissioner Correa and seconded by Commissioner McBride, the Commission unanimously tabled the matter to the November Commission meeting.

The Union was sending the matters of Morton and Barnes to the State Labor Board in Wethersfield.

11. Personnel Director's Report

Fire Examination Status

Mr. Dunn explained that the Civil Service office has received 165 paid applications for the firefighter exam to date; 103 are for non-residents and 62 are for residents; with the exception of 1 female applicant the rest are male.

He asked the Commissioners to approve a resolution to increase Resident Preference points to 20% for all future exams, in order to give residents a greater opportunity. He further explained that while the City wants the best and brightest, once a candidate meets the minimum qualifications and takes and passes the exams and gets on a list and gets hired, the Fire Department trains the employee. Mr. Whitbread added that there are many in the Fire Department with Master's degrees.

Commissioner Correa stated that firefighters need to have basic skills, including math skills. Mr. Dunn added that with 10% Resident Preference points there are not enough residents in the pool. Commissioner Plummer agreed with Mr. Dunn. Commissioner Correa stressed the importance of hiring the best candidates. Mr. Dunn reminded the Commissioners that Resident Preference points do not allow a candidate to pass an exam. Once a candidate passes the exam the Resident Preference points are added to the passing score. Commissioners Plummer, McBride, Correa and Rodgers unanimously voted to pass a resolution for 15% Resident Preference points. Mr. Dunn stated that he would send a letter to Fleeta Hudson, City Clerk, to request the Common Council to increase the Resident Preference points from 10% to 15%.

Mr. Dunn stated that the Commission would need to discuss criminal matters at next month's meeting because unlike police applicants, firefighter applicants can't be disqualified for felonies. He expected to be facing some individual situations when reviewing applications and disqualifying applicants.

Police Examination Status

Mr. Dunn explained that Chuck Hale from Resource Management Associates was giving the Deputy Police Chief exam this week at the Emergency Operations Center to 8 Captains and that Lisa Kollman, Acting Examiner, was assisting him. This opening was as a result of the vacancy left by Chief Gaudett. He also told the Commissioners that Chief Lynn Kerwin retired.

Mr. Dunn told the Commissioners that the Civil Service office would be sending the next group on the list for Police #2302 through polygraph and psychological evaluations to hire 20 new Police Recruits that the recent grant Bridgeport received will pay for.

On a motion made by Commissioner McBride and seconded by Commissioner Correa the October 11, 2011 Civil Service Commission meeting adjourned at 6:05 p.m.